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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on 19th August, 1985:—

BILL No. 154 OF 1985

*A Bill further to amend the Government Savings Banks Act, 1873 and
the Government Savings Certificates Act, 1959.*

Be it enacted by Parliament in the Thirty-sixth Year of the Republic
of India as follows:—

1. This Act may be called the Government Savings Laws (Amend-
ment) Act, 1985.

Short
title,

2. In the Government Savings Banks Act, 1873,—

Amend-
ment of
Act 5 of
1873.

(a) in sub-section (4) of section 4A,—

(i) in clause (a), for the words “five thousand rupees”, the
words “such limit, as may be prescribed” shall be substituted;

(ii) in clause (b), for the words “aforesaid limit of five
thousand rupees”, the words, brackets and letter “limit prescrib-
ed under clause (a)” shall be substituted;

(b) in sub-section (2) of section 15, after clause (h), the following
clause shall be inserted, namely:—

“(i) the limit under clause (a) of sub-section (4) of section
4A.”

Amend-
ment of
Act 46 of
1959.

3. In the Government Savings Certificates Act, 1959,—

(a) in sub-section (4) of section 7, for the words “five thousand rupees”, the words “such limit as may be prescribed” shall be substituted;

(b) in sub-section (2) of section 12, after clause (i), the following clause shall be inserted, namely:—

“(ia) the limit under sub-section (4) of section 7;”.

STATEMENT OF OBJECTS AND REASONS

Under section 4A of the Government Savings Banks Act, 1873, deposits in a Government Savings Bank belonging to the estate of a deceased person are payable, in case there is a nomination in favour of any person, to such person or, as the case may be, the guardian of such person. In case there is no nomination, and the deposit exceeds five thousand rupees, deposits are payable to the legal heirs of the deceased only on production of a probate of his will or letters of administration of his estate or a succession certificate. Where there is no nomination and the deposit does not exceed five thousand rupees, the authority concerned can pay the deposit to the persons appearing to him to be entitled to receive the same or the administrator of the estate of the deceased. Similar provisions are contained in the Government Savings Certificates Act, 1959 with regard to payment of sums due on savings certificates in the event of the death of the holder.

2. The production of legal proof of succession involves considerable delay and expense. It was for this reason that the aforesaid provisions by way of facility of nomination and by way of payment of amounts not exceeding five thousand rupees without production of legal proof of succession were made. While every care is taken and special drives in that behalf have been organised to secure that depositors and certificate holders make proper nominations, there have been a number of cases without proper nominations. Further, the limit of five thousand rupees was fixed long ago on the basis of the money value then. It is, therefore, proposed to omit the limit and empower the Central Government to provide by rules from time to time appropriate limits up to which claims could be settled by the authorities without insisting on legal proof of succession.

3. The Bill seeks to achieve the above objective.

NEW DELHI;

The 9th August, 1985.

VISHWANATH PRATAP SINGH.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill empowers the Central Government to make rules specifying the limit up to which the deceased depositor's or certificate holder's claim can be settled in cases where there is no nomination, without production of probate or letters of administration or succession certificate. This is a matter of normal nature and administrative detail. Moreover, the rules made will have to be laid before each House of Parliament and they will be subject to the scrutiny of Parliament. The delegation of legislative power is, therefore, of a normal character.

A Bill further to amend the Supreme Court (Number of Judges) Act, 1956.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Supreme Court (Number of Judges) Amendment Act, 1985. Short title.

55 of 1956.

2. In section 2 of the Supreme Court (Number of Judges) Act, 1956, for the word "Seventeen", the word "twenty-five" shall be substituted. Amendment of section 2.

STATEMENT OF OBJECTS AND REASONS

The institution of cases in the Supreme Court of India has increased from 14,501 in 1977 to 49,074 in 1984 and the pendency of cases has gone up from 14,109 in 1977 to 73,206 in 1984. The former Chief Justice of India proposed that, in view of such increase in the institution and pendency of cases, the number of Judges may be increased to expedite the disposal thereof. The present Chief Justice of India has also agreed with the proposal. Accordingly, it is proposed to amend the Supreme Court (Number of Judges) Act, 1956 to increase the maximum number of Judges of the Supreme Court, excluding the Chief Justice, from seventeen which had been fixed in 1977, to twenty-five.

2. The Bill seeks to achieve the above object.

NEW DELHI;

The 9th August, 1985.

A. K. SEN.

FINANCIAL MEMORANDUM

The Bill (vide clause 2) provides for an increase in the maximum strength of the Supreme Court by eight more Judges. The salary to be paid to each of these Judges will be Rs. 4000 per month and they will also be entitled to the use of an official residence without payment of rent under rule 4 of the Supreme Court Judges Rules, 1959, city compensatory allowance of Rs. 75 per month, dearness allowance of Rs. 2250 per month, conveyance allowance of Rs. 500 per month and sumptuary allowance of Rs. 300 per month amounting to Rs. 85,500 per annum. Each Judge will have to be provided with personal staff whose emoluments will be Rs. 80,400 per annum approximately. The expenditure on each Judge will be Rs. 1,65,900 per annum on salary and allowances, and Rs. 20,000 on office equipment at residence. The additional expenditure of a recurring nature which is involved is likely to be about Rs. 13.27 lakhs per annum in addition to the cost of maintaining official residences for the Judges. The additional expenditure of a non-recurring nature which is involved is likely to be Rs. 1.60 lakhs.

BILL NO. 153 OF 1985

A Bill to provide for the restriction of certain rights conferred by Part III of the Constitution in their application to the members of certain organisations established by the Central Government for purposes of intelligence or counter-intelligence so as to ensure the proper discharge of their duties and the maintenance of discipline among them.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic India as follows:—

1. (1) This Act may be called the Intelligence Organisations (Restriction of Rights) Act, 1985.

Short
title, ex-
tent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) “Intelligence Organisation” means any organisation established by the Central Government for purposes of intelligence or counter-intelligence and specified in the Schedule;

(b) “member of an Intelligence Organisation” means any person appointed to, or employed in, any Intelligence Organisation;

(c) “prescribed” means prescribed by rules made under this Act.

Restric-
tions res-
pecting
right to
form asso-
ciation,
freedom
of speech,
etc.

3. (1) No member of an Intelligence Organisation shall,—

(a) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations; or

(b) be a member of, or be associated in any way with, or raise funds for, or hold office in, or function in any other manner for, any other society, institution, association or organisation that is not recognised by the Central Government as part of the Intelligence Organisation of which he is a member or is not of a purely social, recreational or religious nature; or

(c) communicate with the press or publish or cause to be published any book, letter, pamphlet, poster or other document except with the prior permission of the head of the Intelligence Organisation; or

(d) except for purposes of official duty, contact, or communicate with any person on any matter relating to functioning, structure, personnel or organisational affairs of the Intelligence Organisation of which he is a member;

(e) use the name of the Intelligence Organisation of which he is a member for purposes not authorised by the head of the Intelligence Organisation or in any other manner except for purposes relating to the official work and functioning of the Organisation itself.

Explanation.—If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (b) of this sub-section, the decision of the Central Government thereon shall be final.

(2) No member of an Intelligence Organisation, shall participate in, or address, any meeting or take part in any demonstration organised by any body of persons for any political purposes or for such other purposes as may be prescribed.

Penalty.

4. Any person who contravenes any of the provisions of section 3 shall, without prejudice to any other action that may be taken against him, be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

Offences
to be
cognizable.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences punishable under section 4 shall be cognizable.

2 of 1974.

Power to
amend
Schedule.

6. (1) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other organisation established by the Central Government for purposes of intelligence or counter-intelligence or by omitting therefrom any organisation already specified therein and on the publication of the notification, such organisation shall be deemed to be specified in, or, as the case may be, omitted from, the Schedule.

(2) A copy of every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid before each House of Parliament.

7. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power
to make
rules.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

[See section 2(a) and section 6(1)]

1. The Intelligence Bureau.
2. The Research and Analysis Wing.

STATEMENT OF OBJECTS AND REASONS

The Constitution (Fiftieth Amendment) Act, 1984 has amended article 33 of the Constitution, so as to bring within its purview persons employed in any bureau or other organisation established by the State for purposes of intelligence or counter-intelligence and persons employed in, or in connection with, the tele-communication systems set up for the purposes of any Force, bureau or organisation referred to in the said article. The Parliament is, thus, now empowered to enact a law determining to what extent any of the rights conferred by Part III of the Constitution shall, in their application to the persons working in Intelligence Bureau (IB), and Research and Analysis Wing (R&AW), be restricted or abrogated, so as to ensure the proper discharge of duties by, and the maintenance of discipline among them.

2. It is, therefore, proposed to enact a law with a view to check the tendency of growing indiscipline in these highly sensitive organisations and thereby to ensure that the personnel of these organisations work with total dedication and discipline in the discharge of their duties.

3. The Bill seeks to achieve the above objects.

NEW DELHI;

The 7th August, 1985.

S. B. CHAVAN.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (3) of clause 1 of the Bill empowers the Central Government to appoint the date on which the proposed legislation, when enacted, will come into force. Sub-clause (2) of clause 3 of the Bill empowers the Central Government to prescribe the purposes of any meetings or demonstration in which a member of an Intelligence Organisation shall be precluded from participating. Clause 6 of the Bill empowers the Central Government to amend the Schedule to include therein any organisation established by the Central Government for purposes of intelligence or counter intelligence or omit therefrom any organisation already specified therein. It is not possible to visualise at this stage what other intelligence or counter-intelligence organisations may have to be included in the Schedule particularly as it may be found necessary in future to further establish such organisations. Having regard to this circumstance, the powers delegated are of a normal character.

2. Clause 7 of the Bill empowers the Central Government to make rules to carry out the purposes of the proposed legislation. The matters in respect of which rules may be made are matters relating to procedure or administrative detail. Moreover, the rules and the notification under clause 6 shall be subject to scrutiny of Parliament. Thus the delegation of legislative power is of a normal character.

SUBHASH C. KASHYAP,
Secretary-General.

